

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

RAMACO RESOURCES, LLC,

Plaintiff,

v.

CIVIL ACTION NO.: 2:19-cv-00703

**FEDERAL INSURANCE COMPANY, and
ACE AMERICAN INSURANCE COMPANY,**

Defendants.

**DEFENDANTS' RENEWED MOTION FOR
SUMMARY JUDGMENT ON *HAYSEEDS* CLAIM**

Defendants, Federal Insurance Company (“Federal”) and ACE American Insurance Company (“ACE”) (collectively “Defendants”), by and through counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby respectfully request that the Court grant their renewed motion for summary judgment as to Plaintiff’s claim for damages pursuant to *Hayseeds, Inc. v. State Farm Fire & Cas.*, 177 W. Va. 323, 329, 352 S.E.2d 73, 80 (1986).¹ As set forth in the accompanying Memorandum of Law, Plaintiff cannot establish that it has substantially prevailed in the underlying contract claim as defined by West Virginia law. In support of their motion, the Defendants provide the accompanying Memorandum of Law and Declaration of William T. Blake.

WHEREFORE, for the reasons set forth herein, and in the accompanying Memorandum of Law, there is no genuine issue of material fact on this issue and Defendants are entitled to judgment as matter of law on this issue as Plaintiff cannot establish that it has substantially

¹ Defendants’ initial motion for summary judgment is at *Dkt.* 154. In the alternative, Defendants file this motion under Rule 50(a) for judgment as a matter of law.

prevailed in the underlying contract claim as defined by West Virginia law, nor is Plaintiff entitled to damages for aggravation and inconvenience as a matter of law.

Respectfully submitted,

**FEDERAL INSURANCE COMPANY AND
ACE AMERICAN INSURANCE COMPANY**

BY COUNSEL

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via CM/ECF, the Court's electronic notification system, on July 16, 2021, including as follows:

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